

Todd L. Schleifstein (TS 3787)
Joshua R. Pini (JP 9548)
GREENBERG TRAURIG, LLP
The MetLife Building
200 Park Avenue
New York, New York 10166
Tel: (212) 801-9200
Fax: (212) 801-6400
Attorneys for Plaintiffs
Horizon Healthcare Services, Inc., Horizon
Healthcare of New York, Inc., and Rayant
Insurance Company of New York f/k/a Horizon
Healthcare Insurance Company of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HORIZON HEALTHCARE SERVICES, INC., :
HORIZON HEALTHCARE OF NEW YORK, :
INC., and RAYANT INSURANCE : Civil Action No 08-cv-4428 (LTS)
COMPANY OF NEW YORK f/k/a HORIZON :
HEALTHCARE INSURANCE COMPANY OF :
NEW YORK, : **NOTICE OF MOTION FOR REMAND**
Plaintiffs, :
v. :
LOCAL 272 LABOR MANAGEMENT :
WELFARE FUND, :
Defendant.

TO: Bruce Cooper
Jane Lauer Barker
Pitta & Dreier LLP
499 Park Avenue
New York, New York 10022

COUNSEL:

PLEASE TAKE NOTICE that, as soon as counsel may be heard, Greenberg Traurig,
L.L.P., attorneys for Plaintiffs Horizon Healthcare Services, Inc., Horizon Healthcare of New

York, Inc., and Rayant Insurance Company of New York f/k/a Horizon Healthcare Insurance Company Of New York (collectively, "Horizon"), shall move before the Honorable Laura T. Sweet, United States District Court for the Southern District of New York, for an order, pursuant to 28 U.S.C. 1446 (c), remanding this case to the Supreme Court of New York, County of New York, and requiring Defendant Local 272 Labor Management Welfare Fund (the "Fund") to pay Horizon's reasonable attorneys fees in connection with this motion.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Court's Individual Practices, the parties have used their best efforts to informally resolve the issues raised in this motion, including by exchanging correspondence outlining their respective positions and conferring telephonically following this exchange, but have been unable to arrive at any resolution.

PLEASE TAKE FURTHER NOTICE that in support of its motion, Horizon will rely upon the attached Memorandum of Law and Certification of Peter J. Gallagher.

PLEASE TAKE FURTHER NOTICE that Horizon requests oral argument unless no opposition is submitted.

Respectfully submitted,
GREENBERG TRAURIG, LLP
Attorneys for Plaintiffs
Horizon Healthcare Services, Inc., Horizon
Healthcare of New York, Inc., and Rayant
Insurance Company of New York f/k/a Horizon
Healthcare Insurance Company of New York

By s/Joshua R. Pini
Todd L. Schleifstein (TS 3787)
Joshua R. Pini (JP 9548)
The MetLife Building
200 Park Avenue
New York, New York 10166
Tel: (212) 801-9200
Fax: (212) 801-6400

-and-

David Jay
Peter J. Gallagher
200 Park Avenue
Florham Park, New Jersey 07932
Tel: (973) 360-7946
Fax: (973) 301-8410

Dated: June 26, 2008
New York, New York